Rev 12-10-08

BOARD OF COMMISSIONERS REGULAR MEETING 315 WEST SECOND STREET FRANKFORT, KY 40601 502/875-8500 December 11, 2008 5:30 P.M. (EST)

1. INVOCATION

Reverend Katherine Redmond, Pastor of First

Presbyterian Church

PLEDGE OF ALLEGIANCE John Hammond

ROLL CALL

MINUTES November 24, 2008 Regular Meeting

MAYOR'S REPORT

2. CEREMONIAL ITEMS

2.1 Resolution honoring Mayor James C. Burch.

Purpose: To approve a Resolution honoring former Frankfort Mayor Jim Burch.

Attachment:

Resolution

2.2 Background: The Board of Commissioners traditionally recognizes City employees who are retiring or are being promoted within the various City departments. At this meeting, the following individuals who are retiring will be recognized:

Sewer Department John Tanner, Lab Tech; retiring with 28 years service;

Donald Greg Thurman, Plant Superintendent;

retiring with 30 years service;

Mansoor Bozorgzad, retiring with 17 years service;

Public Works/Garage Michael Barnett, Mechanic III, retiring with 28 years service;

Robert Smallwood, Fleet Maintenance Superintendent; retiring

with 28 years service;

Robert Walton, Jr., Automotive Parts Clerk; retiring with 16 years

service:

Parks, Recreation, & Historic Sites Steve Brooks, Director; retiring with 38 years service.

3. ORDINANCES

3.1 FIRST READING: An Ordinance closing a proposed extension to Flamingo Drive, Cardinal Hills Subdivision that was dedicated to the City of Frankfort but was never constructed.

Purpose: The purpose of this item is to close a portion of Flamingo Drive in Cardinal Hills Subdivision as shown on the original plat of Cardinal Hills Subdivision as an extension of Flamingo Drive that was never constructed. Robert T. Harrod and Doris P. Harrod, his wife, owners of the property, have requested that the right-of-way be closed since said extension was never constructed. Ownership of this right-of-way will be conveyed to Robert T. Harrod and Doris P. Harrod.

Background: Robert T. Harrod and Doris P. Harrod, his wife, owners of the property, have requested that the right-of-way be closed since said extension was never constructed. Ownership of this right-of-way will be conveyed to Robert T. Harrod and Doris P. Harrod.

Recommendation: Approval

Attachments:

Ordinance

Request letter dated 7/21/08

Contact Person

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: 502/875-8500

Email: jhackbart@frankfort-ky.gov

3.2 FIRST READING: An Ordinance To Amend The City Of Frankfort's Code Of Ordinances – Chapter 152 – By Amending the City Of Frankfort's Zoning Regulations - Article 15-Non-Conforming Use and Non-Complying Structures – Sections 15.071, 15.072, and Article 17 – Architectural Review Board – Sections 17.15.2, 17.15.3, And 17.16 of the City of Frankfort's Zoning Ordinance.

Purpose: To amend the City's Zoning Ordinance as recommended by the Frankfort/Franklin County Planning Commission and the Zoning Update Committee by amending Article 15-Non-conforming use and non-complying structures – Sections 15.071, 15.072, and Article 17 – Architectural Review Board – Sections 17.15.2, 17.15.3, and 17.16 of the City of Frankfort's Zoning Ordinance.

Background: Staff has been reviewing the non-conforming structure requirements (signs and structures qualified under the City's "Home Focus Community Grant" program, as well as the requirements for national registration) and determined that some minor changes are needed. There are three changes proposed within this proposal.

First: At the Zoning Update meeting on July 23, 2008, the following interpretation was made: a sign cabinet is not part of the structural element of the signs – therefore, a non-conforming pole or monument sign (non-conforming to size or location) may be allowed to remove and or replace the cabinet holding the sign panel provided the elements making the sign non-conforming are not increased. The cabinet may also be altered in shape and may be smaller than the previous. The pole and structural elements of the sign may not be removed without being required to be replaced within the requirements of the current sign regulations.

On September 30' 2008, the Zoning update committee supported the recommended text change to codify the above interpretation.

Second: The city has created a Home Focus Community Grant program for the Holmes Street Redevelopment area. This is the first implementation process taken by the city to further the Master Redevelopment Plan for the Holmes Street area. It has come to staff's attention that the first two projects that are ready to move forward have non-complying lot sizes, setbacks, and frontage requirements. The City zoning ordinance allows a structure that is destroyed by more than 60% by an act of God to be built back within the original footprint – however, since these homes are being demolished by man, they would not qualify. Therefore, staff has proposed the attached language to allow these qualifying homes under the city's Home Focus Community Grant program to be allowed to be built at the same setbacks. On September 30° 2008, the Zoning update committee supported the recommended text change for those qualifying within the city's Home Focus Community Grant program.

Finally, the City and DFI has been awarded a grant to study and prepare a new national register district which will provide a new period of significance (1958). We have an aggressive timetable for this nomination and the consultant Taylor & Taylor is doing the majority of the work.

With the modernization of technology, the Heritage Council and State Review Board allows the submittal of electronic photographs rather than previously requiring black & white photographs including negatives.

Therefore, we need to update this section of our code and to provide a section for city -initiated projects.

On September 30, 2008, the Zoning Update Committee reviewed the proposed text amendments and recommended the proposed text amendment to be forwarded to the Planning Commission.

On November 13, 2008, the Frankfort/Franklin County Planning Commission held a public hearing, closed the public hearing, accepted the staff report and testimony rather than requesting a summary; and unanimously voted for approval to recommend the City of Frankfort's Board of Commissioners to approve the proposed text amendment as presented.

Attachments:

- Ordinance
- The report submitted to the Planning Commission
- Minutes of the November 13, 2008 Planning Commission meeting

Recommendation: Approval.

Contact Person

Name: Gary Muller Title: Director

Department: Planning and Building Codes

Phone: 502/875-8500

Email: gmuller@frankfort-ky.gov

4. ORDERS

None

5. **RESOLUTIONS**

5.1 Resolution in support of the City of Frankfort Wastewater Facilities Plan Update for the Farmdale area of Franklin County, Kentucky dated February 2008

Purpose: Approve resolution from the City of Frankfort concurring with the recommendations made in the Farmdale Area Facilities Plan.

Background: In July 2006 the City sent a letter of support for construction of a Wastewater Treatment Plant proposed by the Farmdale Sanitation District. In April 2008 the City Commission authorized the Mayor to sign a Memorandum of Agreement entitled "Federally Funded Memorandum of Agreement between the Kentucky Environmental and Public Protection Cabinet Department of Environmental Protection Division of Water and the Farmdale Sanitation District." One of the requirements of this Memorandum of Agreement is for the City of Frankfort to submit a resolution concurring with the recommendations made in the Farmdale Area Facilities Plan.

Financial Analysis: There is no cost to the City.

Attachment:

Resolution

Contact Person:

Name: William R. Scalf, Jr., PE

Title: Director
Department: Sewer

Phone: 502/875-2448

Email: wscalf@frankfort-ky.gov

5.2 Resolution transferring from Non-Hazardous to Hazardous coverage as defined by KRS 61.591 (1) (b).

Purpose: To petition the Kentucky Retirement System's Board of Trustees to approve the transfer of certain non-hazardous positions to hazardous duty coverage.

Background: To establish under KRS 61.592 providing hazardous position coverage under the County Employees Retirement System's Laws and Provisions for Public Safety Employees with CERS Participation date on or after September 1, 2008.

Recommendation: Approval

Attachments:

Resolution

Kentucky Retirement Systems Form 7008

Contact Person:

Name: Tammy Fields

Title: Acting Human Resources Director

Department: Human Resources **Phone:** 502/875-8500

Email: tfields@Frankfort-ky.gov

6. CONSENT CALENDAR

Items on the Consent Calendar are considered to be routine by the Board of Commissioners and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Board member so requests, in which event the item will be removed from the Consent Calendar and considered separately. The City Manager will read the items recommended for approval.

6.1 To authorize the Mayor to sign a 4-year contract with Duplicator Sales for copier lease for Police and City Hall copiers (Finance).

Purpose: The purpose of this item is to enter a 4-year contract on copier leases for the Police and City Hall copiers.

Background: The current copier lease expires December 2008. After receiving and reviewing four proposals, it has been determined that Duplicator Sales is the best evaluated proposal. The copier will be replaced during the month of December.

Financial Analysis: The monthly lease payment will come from various departments' budgets.

Attachment:

Contract

Contact Person:

Name: Angie Disponette

Title: Deputy Finance Director/Purchasing Agent

Department: Finance 502/875-8500

Email: adisponette@frankfort-ky.gov

6.2 To authorization a Mutual Aid Agreement between the City of Frankfort and Lexington-Fayette Urban County Government (Fire).

Purpose: To authorize the Mayor to sign a Mutual Aid Agreement between Lexington-Fayette Urban County Government and the City of Frankfort.

Background: Lexington-Fayette Urban County Government is updating its Mutual Aid Agreements for fire and EMS response with surrounding cities and counties. Mayor Newberry of Lexington has requested that Frankfort Fire and EMS enter into an up-to-date agreement for response assistance with Lexington and its fire department.

Financial Analysis: None

Recommendation: Approval

Attachments:

Mutual Aid Agreement

Lexington Fire Department Information Sheet
 Frankfort Fire Department Information Sheet

Contact Person

Name: Wallace Possich
Title: Fire Chief
Department: Fire

Phone: 502/875-8511

Email: wpossich@frankfort-ky.gov

6.3 To authorize the Mayor to sign an agreement with Creative Microsystems, Inc. (CMI) to provide Interface Support to ADP for new payroll time collection system (Sewer Department).

Purpose: To authorize the Mayor to sign an agreement with Creative Microsystems, Inc. (CMI) to provide Interface Support to ADP for new payroll time collection system

Background: In September 2008 the City Commission approved a contract with ADP, Inc. to perform payroll time collection services for the City of Frankfort. The Sewer Department was selected as the first department to rollout the new timekeeping program. In order for ADP to interface with CMI, the City's Financial Management Software, a time clock interface module must be purchased from CMI for a one-time fee of \$3,000. Additionally, a one-time implementation fee of \$2,550 must be paid to CMI to support this activity. There is also an annual support fee of \$511 that must be paid to CMI.

Financial Analysis: This agreement obligates the City of Frankfort to a one-time fee of \$5,550 and an annual fee of \$511. Funds are available in Account No. 300.68.56551.

Recommendation: Approval

Attachment:

Agreement

Contact Person

Name: Steve Dawson William R. Scalf, Jr., PE

Title:DirectorDirectorDepartment:FinanceSewerPhone:502/875-8500502/875-2448

Email: sdawson@frankfort-ky.gov wscalf@frankfort-ky.gov

6.4 To authorize contract award to HMB Professional Engineers, Inc. to prepare bid specifications for the replacement of drive unit assemblies for Clarifiers No. 2, 3 and 4 (Sewer Department).

Purpose: The purpose of this item is to consider a contract award to HMB Professional Engineers, Inc. to prepare bid specifications for the replacement of drive unit assemblies for Clarifiers No. 2, 3 and 4.

Background: In January 2005 the Department made an emergency award to replace the drive unit assembly for Clarifier No. 1 after the drive failed. This drive had been operating continuously since construction of the plant almost 30 years ago. The drives on the three remaining clarifiers have also been in operation for 30 years, and one of the drives is starting to make noise. HMB will prepare a set of bid documents to remove and rebuild the three remaining clarifier drives and install algae sweeps to the clarifiers.

As part of the rebuild of Clarifier No. 1 algae sweeps were installed and have been in operation for 4 years. Since their installation, the Total Suspended Solids from that clarifier have been reduced significantly. We propose to install algae sweeps to the three remaining clarifiers as part of the drive rebuild.

Financial Analysis: Total amount of this agreement is \$8,500. Funding is available in account 300.68.54390.

Recommendation: Approval

Attachment:

Engineering Agreement

Contact Person

Name: William R. Scalf, Jr., PE

Title: Director

Department: Sewer

Phone: 502/875-2448

Email: wscalf@frankfort-ky.bgov

6.5 To authorize approval of Change Order No. 1 to the construction contract with Vanguard Contracting LLC for additional work on the Shelby Street project (Sewer Department).

Purpose: The purpose of this item is to approve Change Order No. 1, to the contract with Vanguard Contracting LLC for additional work on the Shelby Street project

Background: In September 2008 a contract was entered into with Vanguard Contracting LLC to for construction of 310-feet of 8-inch PVC pipe and one Manhole.

Amendment # 1 covers additional depth of 1 foot along entire project to avoid a substandard connection to existing sewer, replace 52 linear feet of curb that was unknown and the balance of unit price quantities.

The total contract amount is summarized below:

Original Contract \$ 94,750.00 Change Order # 1 2,937.50

Revised Contract \$ 97,687.50

Financial Analysis: Funds are available in Account No. 685.00.51100.

Recommendation: Approval

Attachment:

Change Order No. 1

Contact Person

Name: William R. Scalf, Jr., PE

Title: Director Department: Sewer

Phone: 502/875-2448

Email: wscalf@frankfort-ky.gov

6.6 To authorize the purchase a 25 Cubic Yard High Compaction Garbage Packer from Municipal Equipment (Public Works).

Purpose: To authorize the purchase of a 25 Cubic Yard High Compaction Garbage Packer.

Background: On 11/6/08, three (3) bidders submitted eleven (11) bids for a 25 cubic yard garbage packer. After reviewing the bids, the bid submitted by Municipal Equipment in the amount \$134,200 for a 2009 International chassis and a New Way Cobra Magnum garbage packer was the best bid received that met the specifications. The bids ranged from \$131,900 to a high of \$139,748.

Financial Analysis: Funds for the 25 cubic yard garbage packer are available in the Sanitation Division Equipment Account No. 100.65.56550.

Recommendation: Approval

Attachments:

- Garage Superintendent Recommendation 11/18/08
- Bid Tabulation

Contact Person

Name: Jeff Hackbart
Title: Director
Department: Public Works
Phone: 502/875-8500

Email: jhackbart@frankfort-ky.gov

6.7 To authorize payment to the Property Valuation Administrator (PVA) for 2008 City of Frankfort Property Tax Assessment (Finance).

Purpose: The purpose of this item is to pay the PVA for use of county assessment services for 2008 City of Frankfort ad valorem tax purposes.

Background: There is an annual fee as established by KRS 132.285 for the use of county assessment services for determining the 2008 City ad valorem tax values

Financial Analysis: 2008-2009 Budget Invoice

\$40,000 \$40,000

Funds available in Account No. 100-50-53295.

Recommendation: Approval

Attachment:

Invoice from Patsy Conway, Franklin County PVA

Contact Person:

Name: Steve R. Dawson Title: Finance Director

Department: Finance **Phone:** 502/875-8500

Email: sdawson@frankfort-ky.gov

6.8 To approve the lowest bid for demolition of 395 ½ Schenkel Lane, 752 Owenton Avenue, and 847 Leestown Lane, and to execute the Memorandum of Agreements (Planning and Building Codes).

Purpose:In accordance with the Property Maintenance Code, Section 109.1, the City ordered each of the property owners of 395 ½ Schenkel Lane, 752 Owenton Avenue, and 847 Leestown Lane to repair or raze the condemned buildings within thirty days or the City would raze the building and charge the costs incurred to the real estate that remains. The property was properly noticed in accordance with the Property Maintenance Code.

Background: A notice to raze the three structures was sent to the owner at the last known address, via certified letter, first class letter and the property was also posted with the same notice. The owner has received the certified notice of violation to raze the structure and place a lien on the property if not paid.

Quotes were received as follows:

- 395 ½ Schenkel Lane: John Fehsal, Jr. \$4,994; CC Moore \$6,850; MCM Demolition \$9,600
- 752 Owenton Avenue: John Fehsal, Jr. \$10,500 *(\$10,000); CC Moore \$14,750
- 847 Leestown Lane: John Fehsal, Jr. \$7,800 *(\$7,000); CC Moore \$7,650;

NOTE: Mr. Fehsal indicated that if both 752 Owenton Ave. and 847 Leestown Ln were awarded the cost would be reduced to \$10,000 and \$7,000 – total of 17,000 - for these two structures.

Financial Analysis: The Planning and Building Codes Department has budgeted \$30,000.00 for demolitions and nuisance abatement. Upon approval of these bids and memorandum of agreements, \$21,994.00 can be provided under the Planning Department's account #100-70-53295; with a balance of \$8,006.

Attachments:

- Received bids
- Recent photos of property
- Memoranda of Agreement.

Recommendation: Approval

Contact Persons

Name: Gary Muller Robert Engle

Title: Director Code Enforcement Supervisor Planning and Building Codes Planning and Building Codes

Phone: 502/875-8500 502/875-8500

Email: gmuller@frankfort-ky.gov rengle@frankfort-ky.gov

6.9 To authorize approval of agreement for 2008-2009 Kentucky Changers Project and authorize the Mayor to execute agreement (Planning and Building Codes).

Purpose: The purpose of this item is to approve an agreement with Kentucky Changers to make minor improvements to approximately twelve (12) low to moderately low single-family homes (non-rental) within the City limits.

Background: This is an ongoing community project that the City assists in order to improve the quality of life for those within the City limits of Frankfort. Unfortunately the City has not been a participant since 2004-2005.

The last project approval was in September 2004, the City Commission approved an agreement with the Kentucky Changers with a not to exceed amount of \$13,000, which in July of 2005 the City and the Kentucky Changers were able to assist eight (8) homes at the cost of approximately \$11,455 from the Frankfort Housing Corporation Account (Old Urban Renewal Program).

The Kentucky Changers program assists owner occupied residences on needed repairs within the city. The program has historically ran for two consecutive years, then absent one year, and return for two consecutive years. However, since 2005, they were not able to secure arrangements with the local school board and now work out of Lawrenceburg. Due to this relocation, fewer homes are able to be addressed within the City of Frankfort.

The invoices from the Changers will contain the materials and address for each site at time submitted to ensure accountability and limited to those only within the City of Frankfort.

Financial Analysis: Up to \$12,000 will be shared from Planning's Nuisance Abatement Account (Account No, 100.70.53295) and the Frankfort Housing Corporation Account (Old Urban Renewal Program), Account No. 540-00-51100.

Recommendation: Approval

Attachment:

Proposed draft agreement

Contact Person

Name: Gary Muller Title: Director

Department: Planning and Building Codes

Phone: 502/875-8500

Email: Gmuller@frankfort-ky.gov

6.10 To approve a professional service agreement with David Banks, Architect & Associates to prepare plans, specifications, and perform the contract administration for Phase 2 Repairs for the Sullivan Parking Structure (Public Works).

Purpose: To approve a professional service agreement with David Banks, Architect & Associates to prepare plans, specifications, and perform the contract administration for Phase 2 of the repairs to the Sullivan Parking Structure.

Background: The Sullivan Parking Structure was constructed in 1992. The City of Frankfort requested a structural and architectural inspection of the St. Clair and Sullivan Parking Garage in 2005 as a way of learning the condition and improvement needs of both structures. The conditions report recognized that the Sullivan Garage was constructed at a later date and is constructed using a different structural concept. As a result, the Sullivan Structure has not shown the level of deterioration that is present in the St. Clair Structure. The first phase of the repairs were completed this past summer and included repairing the double tee weld plates, and caulking the pre-cast floor panel joints.

The recommended items for the Phase 2 Repairs include:

- 1.) Repairs to the stairways
- 2.) Repairs to cracked masonary walls
- 3.) Replacement of exit doors, frames, and hardware
- 4.) New weather protection screens to protect stairs and elevator from wind and rain
- 5.) Additional deck drains on top of the structure

- 6.) Painting steel stairs and handrails
- 7.) Repair exterior wall joint sealant

It is recommended that the City approve a professional services agreement with David C. Banks, Architect & Associates, to prepare plans, specifications, and perform the contract administration for the repairs to the Sullivan Parking Structure.

Financial Analysis: Funds in the amount of \$20,000 are available in the Transportation Improvement Account No. 100-61-53210 for these professional services. This agreement with David Banks, Architects & Associates, is based an hourly rate agreement not to exceed \$20,000.

Recommendation: Approval

Attachment:

Agreement

Contact Person:

Name: Jeff Hackbart, P.E.

Title: Director

Department: Public Works

Phone: 502/875-8500

Email: jhackbart@frankfort-ky.gov

6.11	Personnel Action Retirement	Employee John Tanner	<u>Department</u> Sewer	<u>Date</u> 12/31/08	Other Lab Tech; authorize payment of all accrued time as of
		Greg Thurman	Sewer	12/31/08	effective date; Plant Superintendent; authorize payment of all accrued time as of effective date;
		Mansoor Bozorgzod	Sewer	12/31/08	Pre-Treat Coord/Chemist authorize payment of all accrued time as of effective date:
		Steve Brooks	Parks, Recreation & Historic Sites	ı, 12/31/08	Parks & Recreation Director; authorize payment of all accrued time as of effective date;
		Michael Barnett	Garage	12/31/08	Mechanic III; authorize payment of all accrued time as of effective date:
		Robert Smallwood	Garage	12/31/08	Fleet Maintenance Superintendent; authorize payment of all accrued time as of effective date:
		Robert Walton, Jr.	Garage	12/31/08	Automotive Parts Clerk; authorize payment of all accrued time as of effective date;
	Appointment	Mike Chapman	Garage	12-15-08	Fleet Maintenance Superintendent

Attachments:

- John Tanner retirement letter
- Greg Thurman retirement letter

- Mansoor Bozorgzod retirement letter
- Steve Brooks retirement letter
- Michael Barnett retirement letter
- Robert Smallwood retirement letter
- Robert Walton, Jr. retirement letter

Contact Person

Name: Tammy Fields
Title: HR Assistant
Department: City Manager
Phone: 502/875-8500

Email: tfields@frankfort-ky.gov

7. BOARD APPOINTMENTS

- 7.1 Capital City Museum Board
 - Reappointment of Winona L. Fletcher for a three-year term ending 12-31-11.
 - Reappointment of Mary Ann Bogart for a three-year term ending 12-31-11.

8. OLD BUSINESS

9. NEW BUSINES

9.1 To consider approval of the Police and Fire State incentive pay adjustment (Finance).

Purpose: To consider approving the State Incentive Police and Fire pay adjustment based on the Court of Appeals decision.

Background: Based on the Court of Appeals decision, State incentive pay must be included as part of the base pay calculation for City overtime.

Financial Analysis: The financial impact to the City is estimated to be \$850,000. A budget amendment will be presented in January to appropriate the funding.

Recommendation: Approval

Attachments: None

Contact Person

Name:Steve DawsonTony MasseyTitle:DirectorCity ManagerDepartment:FinanceCity ManagerPhone:502/875-8500502/875-8500

Email: sdawson@frankfort-ky.gov amassey@frankfort-ky.gov

10 CITIZEN COMMENTS

11. COMMISSIONER COMMENTS

12. ADJOURNMENT